

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

THE KANSAS CITY SOUTHERN  
RAILWAY COMPANY,

*Plaintiff,*

*v.*

VICKSBURG BRIDGE  
COMMISSION AND WARREN  
COUNTY, MISSISSIPPI,

*Defendants.*

CAUSE NO. 3:24-CV-388-CWR-ASH

**ORDER**

Before the Court is the parties' *Joint Motion for Entry of Order Confirming Arbitration Award and Separate Final Judgment*. Docket No. 10. The *Joint Motion* asks the Court to enter an Agreed Order Confirming Arbitration Award shown at Docket No. 10-1. The problem, however, is that the parties' proposal has "agreed to strike" exhibits to the Complaint and the Amended Complaint. Docket No. 10-1.

Federal law does not permit parties to seal cases or documents by agreement. *See Binh Hoa Le v. Exeter Fin. Corp.*, 990 F.3d 410, 417 (5th Cir. 2021) (rejecting "stipulated sealings . . . where the parties agree, the busy district court accommodates, and nobody is left in the courtroom to question whether the decision satisfied the substantive requirements"). It logically follows that the Court cannot remove public documents from the public's review simply because the parties have agreed to resolve their differences.

In the sealing context, judges must independently examine whether sealing a document or case comports with the First Amendment and common-law standards of public access to public records. *Id.* And ultimately, “the district court’s discretion to seal the record of judicial proceedings is to be exercised charily.” *S.E.C. v. Van Waeyenberghe*, 990 F.2d 845, 848 (5th Cir. 1993) (quotation marks and citation omitted). “[C]ourts should be ungenerous with their discretion to seal judicial records.” *Binh Hoa Le*, 990 F.3d at 418 (citations omitted).

In this context, then, the Court will not allow the parties to unilaterally “strike from the proceedings Exhibits B, D, E, F, G, H, I and J to the Complaint/Petition and Exhibits B, D, E, F, G, H, I and J to the Amended Complaint/Petition” without further motion practice. Docket No. 10-1 at 2. The Court will issue the Agreed Order without the striking language. The parties may then file a motion to strike or seal the exhibits with the usual supporting memorandum, if they continue to seek that relief.

**SO ORDERED**, this the 19th day of August, 2024.

s/ Carlton W. Reeves  
UNITED STATES DISTRICT JUDGE